

WATER ALLOCATION PROGRAM DEVELOPMENT OUT-OF-BASIN TRANSPORT (OOBT) COMMITTEE MEETING

MINUTES OF MEETING

Jan. 15, 2003

Members Present: Julia Forgue, Kevin Cute, Denise Burgess, Ken Burke, Paul Corina, Mike Covellone, Jeff Hershberger, Herb Johnston, Pamela Marchand, Henry Meyer, Alisa Richardson, Ed Szymanski, Katherine Wallace
Members Absent: John Dubis, John Torgan

Water Resources Board Staff: Kathy Crawley and Connie McGreavy

I. CALL TO ORDER:

With a quorum present, Ms. Julia Forgue called the meeting to order at approximately 1:40 PM.

II. REVIEW

Ms. Connie McGreavy gave an overview of the December Water Allocation Program Advisory Committee (WAPAC) meeting. She stated that there was a presentation and discussion of the Regulated Riparian Model Water Code, and that committees are working on mission statements and tasks. Ms. McGreavy added that the objective is to get all mission statements approved this month. A smaller subcommittee is focusing on an overarching mission statement. Ms. Julia Forgue then recapped the report she made to the full WAPAC on behalf of the OOBT Committee.

III. Approval of Minutes

On a motion by Ms. Forgue, seconded by Ms. Alisa Richardson, the minutes of the December 11, 2002 meeting were approved.

III. ITEMS FOR ACTION:

A. Legal Agreements between Water Suppliers

Mr. Paul Corina of the Westerly Public Works Department gave a summary of interstate agreements between Westerly, RI and Pawcatuck, CT. He stated that the agreements go back to the 1800s when the water system was originally constructed as one, privately owned entity with authority to develop new sources in either state. Westerly does not wholesale to CT; CT is served as part of the regular system. The Westerly Water Dept. is regulated by both CT and RI. CT recently sued the district over a water quality issue. This proved to be somewhat beneficial for the town because it now has written documentation as to legal responsibilities for each state.

Ms. Forgue pointed out that the Newport/Portsmouth supply agreements are out of date. Ms. Pam Marchand reported on research she conducted on federal agreements, especially during drought. Ms. McGreavy stated that in case of drought or emergency, these agreements would be very important. It was generally discussed by the group that many inter- and intra-state agreements (Providence, Woonsocket, Seekonk and Attleboro, MA) may be expired or non-existent.

B. Special Area Management (SAM) Plan Policies

Mr. Kevin Cute gave a presentation on SAM plans for Rhode Island's Salt Pond Regions. He displayed a map of the nine salt ponds that are encompassed by nine watersheds and areas of concern. He pointed out specific regulations that state that there are no out-of-basin transfers to/from these watersheds. Mr. Cute stated that an "assent" is required from the RI Coastal Resources Management Council (CRMC) to export water outside watersheds in these special coastal areas.

- Self Sustaining Lands
§ 920.1.A.2.(h) states "Public water service is considered a low priority. When new public water supplies are proposed, source wells and the distribution lines shall remain within a single watershed and not divert groundwater from one salt pond watershed to another."
- Lands of Critical Concern
§920.1.B.2(I) "Public water service is considered a low priority. When new public water supplies are proposed, source wells and the distribution lines shall remain within a single watershed and not divert groundwater from one salt pond watershed to another."
- Lands Developed Beyond Carrying Capacity
§ 920.1.C.2.(d) states "Public water service is a high priority for Lands Developed Beyond Carrying Capacity because of the high incidence of poor groundwater quality in these densely developed areas. When new public water supplies are proposed, the supply wells and service areas for public water supplies shall be kept within individual watersheds. The export of groundwater from one watershed to another should be minimized."

C. New England Water Works Assn. (NEWWA) White Paper

Ms. Forgue gave a summary of the NEWWA paper, titled *"Recommendation Regarding Water Allocation Policies as They Affect Public Water Systems in New England"*, Version 12/13/02. There were several topics in the paper that she felt were important to highlight from a water supplier perspective. Ms. Forgue then discussed policing during times of water restriction, and felt there was no state agency overseeing this during a drought. Mr. Ed Szymanski said that he thought the water suppliers wanted control to call their own water shortages. Ms. Marchand stated that there would be a new drought section going forward in water supply plans; suppliers will need to publish criteria based upon reservoir [and groundwater] levels. Ms. Forgue clarified that the problem was not when to call for water restrictions, but enforcement of restrictions. There are no resources within her department to police usage of water when there is a shortage. It was suggested that the local police could enforce or that there should be an agency for enforcement.

Discussion turned to the need for a strong educational program regarding water usage. The public has no idea of how to conserve water and what are essential uses of water. The RIWWA put out some radio ads in 2002. Ms. Kathy Crawley stated that there is more coordination needed and that there is an education committee looking into these issues.

D. Geographic Information Systems (GIS)

Mr. Jeff Hershberger explained a preliminary map based on Hydrologic Unit Codes (HUC 10/12 watersheds). Mr. Hershberger will put symbols on the map to represent water transported (water or wastewater) in and out of each basin. Ms. Katherine Wallace

said she was having a hard time getting accurate well information. Ms. Richardson offered to have the RI Dept. of Environmental Management's GIS division provide well data (source: RI Dept. of Health), RI Pollutant Discharge Elimination System permit data and sewer information. It was suggested that the Wood-Pawcatuck Water Use and Availability Report might contain pertinent information for the map. Ms. Richardson suggested that the report should be finalized before that occurs.

E. Massachusetts OOTB Regulations Summary

Ms. Richardson gave a presentation on Massachusetts' Out-of-Basin Transfer Regulations. Massachusetts began with the Interbasin Transfer Act of 1986. The regulatory authority is within the Executive Office of Environmental Affairs, which includes the MA Dept. of Environmental Protection (water supply quality) and the MA Dept. of Environmental Management (in-stream water quality and quantity). The commission that oversees water supply is political; it is pressured to supply water to communities regardless of the environmental impact. Mr. Henry Meyer made a point that one of the slides should say, "half of the water pumped by various utilities are pumped out of the watershed" rather than "half of the water is pumped out of the watershed". Ms. Richardson agreed.

In Massachusetts, there are four types of interbasin transfer:

1. Public Water Supply
2. Wastewater
3. Wastewater Transfer Triggered by Development of a Local Water Supply Source
4. Adding a new Wastewater System

There were some questions regarding the differences between definitions 2, 3 and 4. Ms. Richardson said she would get back to the committee with clarification. She mentioned that wastewater transfer might be more of a problem than source water. Mr. Meyer explained that South Kingston gets 1/3 of its water from inflow and infiltration.

Ms. Richardson stated that there are eight basic criteria for each type of interbasin transfer:

1. Must Comply with Mass. Environmental Policy Act Regulations (MEPA) regulations if requesting >1MGD
2. Develop all viable sources within the basin
3. Must have implemented all practical conservation measures
4. Forestry management plan
5. Maintain reasonable in-stream flow
6. Provide pump test results
7. Local water resources management plan
8. Look at cumulative impacts

Mr. Hershberger pointed out that, in Massachusetts, it is not considered interbasin transfer if one community covers two watersheds and the transfer is a supply for that community. Mr. Meyer stated that problems could still be caused by supplying a sewer area which discharges five miles away, but still within the basin. Ms. Richardson concluded that it is very important to define "basin". Mr. Herb Johnston pointed out that there are groundwater basins as well as surface water basins. He stated that you could be in one surface water basin and transport to/from another groundwater basin. Mr. Meyer added that it may be a negligible effect on the basin and yet harmful to the sub basin. All agreed that the definition of a basin was going to be difficult. Mr. Meyer felt that

definitions were needed as soon as possible, including for “consumptive” uses (golf, turf, irrigation etc.)

Ms. Richardson concluded the presentation with DEM's investigation and definition of a "stressed" basin. Ms. Crawley added that it is important to determine where the largest OOB occur. Mr. Johnston thought this might be the upper Pawcatuck basin. Mr. Meyer wished to distinguish between OOB “transfer” versus OOB “loss”, and the importance of looking at water use. He noted that the Stream Flow Standards Committee would make recommendations that would affect intra-basin transfer. Mr. Szymanski offered that the word “transfer” might be limiting.

IV. ITEMS FOR DISCUSSION/TASKS ASSIGNED:

A. Definition of Basin:

This task was assigned to Jeff Hershberger, Henry Meyer, Katherine Wallace and Herb Johnston with Alisa Richardson and Julia Fergie copied.

B. Provide GIS Coverages:

Alisa Richardson is to provide RIPDES, Sewer, and public well coverages to ESS. (Connie McGreavy previously provided ESS with public water supply data.)

C. Provide MA Golf Course Water use Policy:

Jeff Hershberger will provide a link to a website.

D. Provide electronic copies of the SAM plan:

Kevin Cute will provide to Connie.

E. Provide copies of interstate agreements or a list of known interstate transfers:

Pam Marchand, Ken Burke

F. Ask Attorney from CRMC to participate on the Regulatory Authority Committee

Kevin Cute will provide name to Connie.

V. OTHER BUSINESS:

Ms. McGreavy provided background material to new members.

VI. ADJOURNMENT:

The meeting adjourned at 3:45PM. The next meeting was set for Feb 12, 2003 at 1:30PM, tentatively at URI's Narragansett Bay Campus.

Respectfully submitted,

Alisa R. Richardson, PE
RIDEM, Water Resources Department

Connie McGreavy
RI Water Resources Board

**Note: For more information on Water Allocation, visit: <http://www.seagrant.gso.uri.edu/scc/wrb/index.html>.*

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